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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/594,558

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Guiseppe Zeolla

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EXAMINER

WALBERG, TERESA J

ART UNIT

PAPER NUMBER

3744

MAIL DATE

DELIVERY MODE

11/10/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/594,558	Applicant(s) ZEOLLA, GUISEPPE	
	Examiner Teresa J. Walberg	Art Unit 3744	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 July 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 12-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 September 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 12-15 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Knurr (6,105,660) in view of Rotter et al (5,351,664).

Knurr discloses a cooling device comprising a cooling unit (43) through which a fluid to be cooled, in particular hydraulic oil (oil cooler 14), can flow, the unit having a device housing (Fig. 1) and at least one filter unit (39) for filtration of the fluid, characterized in that the device housing (Fig. 1) of the cooling unit (43) has at least one overhanging support arm (Figs. 4 and 5), via which the respective filter unit (39) is connected to the cooling unit (14) to carry fluid, the overhanging support arm (Figs. 4 and 5) is provided with a cover part (Figs. 4 and 5) via which the filter housing (39) with at least one filter element (39) as the respective filter unit (39) can be connected to the cooling unit (13) to carry fluid, the cooling unit (14) is made as a plate-shaped finned radiator (Fig. 5), the filter unit (39) is located in the direction of flow of the fluid downstream (col. 4, lines 1-8) from the cooling unit (14), the filter unit (39) being held by the overhanging support arm (Figs. 4 and 5) which extends along the longitudinal side of the finned radiator, and a box-shaped housing structure (Fig. 1), with two longitudinal

sides, two transverse sides and one front and one rear side (Figs. 1 and 2) and a fan blower (56 in Fig. 2) integrated into the front side.

Knurr does not state whether the box-shaped structure is composed of sheet metal parts. However, sheet metal is a conventional material for making housings for use in hot environments. It would have been obvious to one of ordinary skill in the art to make the box shaped structure of sheet metal in the oil cooler of Knurr, the motivation being to make the housing heat resistant.

Knurr does not disclose first and second fluid guides extending laterally next to one another in the support arm. Rotter et al disclose first and second fluid guides extending laterally next to one another in the support arm of a filter element (see Figs. 3 and 4). It would have been obvious in view of Rotter et al to provide first and second fluid guides extending laterally next to one another in the support arm of the filter element of Knurr, the motivation being to provide easier connection of the fluid lines.

3. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Knurr (6,105,660) in view of Rotter et al (5,351,664) and further in view of Habiger et al (5,374,355).

Knurr in view of Rotter et al discloses a cooling unit having the claimed structure, with the exception of the oil filter having a cover part being provided along a retaining ring with an inside thread via which the pot-like filter housing

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with an outside thread on its edge-side opening region can be screwed into the cover part.

Habiger et al discloses an oil filter (Fig. 1) in which the cover part (10) is provided along a retaining ring with an inside thread (at 12) via which the pot-like filter housing (13) with an outside thread (at 12) on its edge-side opening region can be screwed into the cover part (10).

It would have been obvious in view of Habiger et al to use a screw thread secured structure for the oil filter of Knurr in view of Rotter et al, the motivation being to make the filter cartridge easily replaceable.

4. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Knurr (6,105,660) in view of Rotter et al (5,351,664) and further in view of Pohl et al (DE 100 09 864)(equivalent to US 2003/0146147 cited by applicant, but with earlier publication date).

Knurr in view of Rotter et al discloses a cooling unit having the claimed structure, with the exception of a fouling indicator on the oil filter.

Pohl et al discloses an oil filter (32 in Fig. 6) having a fouling indicator (col. 4, line 30).

It would have been obvious in view of Pohl et al to use a fouling indicator for the oil filter of Knurr in view of Rotter et al, the motivation being to indicate when the filter cartridge needs to be replaced.

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5. Claims 16-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Knurr (6,105,660) in view of Rotter et al (5,351,664) and further in view of Goates (5,513,732).

Knurr in view of Rotter et al disclose a cooling unit having the claimed structure, with the exception of a check valve and a thermo bypass valve.

Goates discloses a cooling unit having a check valve and a thermo bypass valve.

It would have been obvious in view of Goates to use a check valve and a thermo bypass valve with the cooling unit of Knurr in view of Rotter et al, the motivation being to provide improved control of the cooling process.

6. Claim 12 is objected to because of the following informalities: In claim 12 at line 4 "on" should be "one". Appropriate correction is required.

7. Applicant's arguments filed 29 July 2008 have been fully considered but they are not persuasive. Applicant argues that Knurr does not disclose an overhanging support arm because the support arm is constituted by a fitting. However, the fitting is in the form of an arm and supports the filter housing and thus is considered to be a support arm. It overhangs the filter housing and thus is considered to be overhanging. The applicant argues that Knurr does not disclose the cover part formed as part of the support arm. However, Knurr shows the support arm and the filter housing coupled together, which is considered sufficient to meet the language "formed as part of". The

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applicant argues that the Habiger cover part is not part of a supporting arm. However, Habiger shows the cover being connected to a support. See item 11 in Fig. 1.

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Teresa J. Walberg whose telephone number is 571-272-4790. The examiner can normally be reached on M-F 8:00 - 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cheryl Tyler can be reached on 571-272-4834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Teresa J. Walberg/
Primary Examiner, Art Unit 3744

/TW/